IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 309 OF 2007
IN
NOTICE OF MOTION NO. 66 OF 2007
IN
SUIT NO. 41 OF 2007

WITH

NOTICE OF MOTION NO.1614 OF 2007
IN
APPEAL NO. 309 OF 2007
IN
NOTICE OF MOTION NO. 66 OF 2007
IN
SUIT NO. 41 OF 2007

Haroun Alim A.R. Yusuf & Ors. .. Appellants

V/s

Godrej & Boyce Manufacturing Company Ltd. .. Respondents

Mr.P.K. Dhakephalkar, Senior Advocate i/b Dalal & Co. for the Appellants.

Mr.Virendra V. Tulzapurkar, Senior Advocate i/b M.S. Gawde for the Respondents.

CORAM : R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATE : 26TH APRIL 2007

P.C. :

1. Heard. Admit. Advocate for the Respondents waives service.

2. By consent, heard forthwith.

3. Considering the material on record, though prima

facie, the Respondents would be entitled to protection of possession till the disposal of the notice of motion before the learned Single Judge, the question of granting ad-interim relief in the form of prayer (c) in the notice of motion before the learned Single Judge could not arise. Being so, the relief granted in the form of prayer (c) in the notice of motion before the learned Single Judge is hereby quashed and set aside with the clarification that in case any adverse order is passed in Suit No.219/233 of 2002 before the Small Causes Court at Mumbai, no effect should be given to such order without the leave of the court in the said Suit No.41 of 2007 or till the disposal of the said suit whichever is earlier. With this modification in the impugned order, the appeal is disposed of. No order as to costs.

4. In view of the disposal of the appeal, the notice of motion does not survive and stands disposed of.

(R.M.S. KHANDEPARKAR, J.)

(D.G. KARNIK, J.)